



RECEIVED

APR 25 2003

# 9/K.T.  
4/29

Attorney Docket No.: 701826-050008-CIP

TECH CENTER 1600/2900

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerald BATIST, et al

Filed:

December 18, 2000

Serial No.:

09/779,223

Title:

HEX II TUMOR-SPECIFIC PROMOTER AND USE  
THEREOF

Examiner:

Shin Lin CHEN

Group Art Unit:

3120

**CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

4/18/03  
Date

Nicole M. Gignac  
(type or print name of person mailing paper)

Nicole M. Gignac  
(Signature of person mailing paper)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated December 18, 2002, please amend the above-identified patent application as follows:

In the Claims:

Claims 1-20 and 23-25 are pending in the present application.

Claims 21 and 22 are withdrawn from consideration.

Please amend claims 2, 3, 4, 13, 15, 17, 18, 19 and 20 as follows:

2. (Amended) The gene construct of claim 1, which further comprises a LacZ or HSV Tk gene.

3. (Amended) The gene construct of claim 1, wherein said vector is selected from one of a expression vector, a shuttle plasmid, an adenovirus type 5 recombinant vector or a lipid based delivery system.